

REMARKS/ARGUMENT

In the Final Office Action of January 10, 2003, the Examiner noted that claims 1-20 are pending in the application and that claims 1-20 are rejected. The Examiner indicated that claims 1-20, as amended in response to the July 26, 2002 Office Action and filed on October 24, 2002, have been fully considered but are moot in view of the new ground(s) of rejection stated in the instant Final Office Action. Further, the Examiner believes that the cited prior art fully discloses the claimed invention and the rejections stand, and that the cited prior art raises new issues that would require further consideration and/or search. Claims 1-20 remain pending in this application. This Preliminary Amendment accompanies a Request for a Continued Prosecution Application (CPA) (37 CFR §1.53(d)). Examination of the claims in this Preliminary Amendment is requested.

Rejections Under 35 U.S.C., §103

Claims 1-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Cuzzo, et al.* (U.S. Patent No. 6,052,547) and *Davidson, Jr., et al.* (U.S. Patent No. 6,025,925).

Applicants hereby assert that *Cuzzo, et al.* exists as prior art under 35 U.S.C. §102(e). Furthermore, U.S. Patent Application Serial No. 09/393,724 (the present application) and U.S. Patent No. 6,052,547 were, at the time the invention of U.S. Patent Application Serial No. 09/393,724 was made, owned by Hewlett-Packard Company, of Palo Alto, California. It is believed that such statement is sufficient evidence to disqualify *Cuzzo, et al.* (U.S. Patent No. 6,052,547) from being used in the rejection under 35 U.S.C. §103(a) against the claims of the present invention. Accordingly, removal of the §103(a) rejections is respectfully requested.

Furthermore, pursuant to an obligation under 37 C.F.R. §1.56, it is believed that inventors in U.S. Patent Application Serial No. 09/393,724 (the

S/N: 09/393,724
Case: 10990044-1
Amendment B

present application) and U.S. Patent No. 6,052,547 to *Cuzzo, et al.* (Clint S. Cuzzo and W.K. Meade II,) and invention dates of each claim were commonly owned at the time the later invention was made.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

William K. Meade II, et al., Inventors

By K. S. Karra 4/10/03
Satheesh K. Karra
Reg. No. 40,246, for
Keith D. Grzelak
Reg. No. 37,144

April 10, 2003
(509) 624-4276